

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent

#7
(NE)

Continuation
Application of : Utley and Edwards Examiner: M. Peffley
Serial No. : 09/007,237 Group Art Unit: 3739
Filed : January 14, 1998
For : GERD Treatment Apparatus and Method

TERMINAL DISCLAIMER TO OBViate A DOUBLE PATENTING REJECTION

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

Curon Medical, Inc, the owner of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, of any patent granted on commonly owned pending second Application No. 09/007,283, filed on January 14, 1998, as may be shortened by any terminal disclaimer filed prior to the grant of such second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assignees.

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Serial No. 09/007,237
Terminal Disclaimer

Pursuant to 37 C.F.R. 3.73(b), I hereby state that the evidentiary documents upon which this Terminal Disclaimer is based have been reviewed by the undersigned, and it is certified that to the best of the assignee Curon Medical, Inc.'s knowledge and belief, title is in the assignee. I also state that I am authorized by Curon Medical, Inc. to make this Terminal Disclaimer on its behalf.

Curon Medical, Inc.

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